

UNAPPROVED MINUTES
PLANNING COMMISSION

September 12, 2012

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on September 12, 2012, there being present the following members of said Commission, to wit: Terrance D. Murphy, Vicki G. Daulton, Jimmy W. Robertson, and Bruce N. Thomasson (Samuel R. Carter, III – absent); with Terrance D. Murphy, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY VICE CHAIR DAULTON, AND DULY CARRIED, the minutes of the regular meeting and work session held on August 15, 2012, were approved as written – the roll call vote: all present - aye.

In re: Request of Sunday Callegari Ewald, property owner, for rezoning the property located at 101 S. Bruffey Street, (Tax Map # 141-3-1) from LM Light Manufacturing District to RSF Residential Single Family District. Also included in the request are the following properties: Larry J. Raborn, 105 S. Bruffey Street (Tax Map #141-3-2); Wanda M. Blevins, 109 S. Bruffey Street (Tax Map #141-3-3); Kevin and Milena Quill, 113 S. Bruffey Street (Tax Map #141-3-4); Teresa Ann Sweeney, 117 S. Bruffey Street (Tax Map #141-3-5); and Howard C. Nash, Jr., 121 S. Bruffey Street (Tax Map #141-3-6).

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Sunday Callegari Ewald, property owner, for rezoning the property located at 101 S. Bruffey Street, (Tax Map # 141-3-1) from LM Light Manufacturing District to RSF Residential Single Family District. Also included in the request are the following properties: Larry J. Raborn, 105 S. Bruffey Street (Tax Map #141-3-2); Wanda M. Blevins, 109 S. Bruffey Street (Tax Map #141-3-3); Kevin and Milena Quill, 113 S. Bruffey Street

(Tax Map #141-3-4); Teresa Ann Sweeney, 117 S. Bruffey Street (Tax Map #141-3-5); and Howard C. Nash, Jr., 121 S. Bruffey Street (Tax Map #141-3-6); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the August 30th and September 6th, 2012, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed August 31, 2012; and

WHEREAS, staff noted the following: the subject properties consist of six parcels, located on the west side of South Bruffey Street; the properties are residential single family housing and contain approximately .16 acres each; the owner of 101 S. Bruffey Street, Sunday Callegari Ewald, is in the process of trying to sell her home; due to a debilitating stroke in March 2009, she is unable to maintain her property and now resides in an apartment adjacent to her parents; when her Power of Attorney, John Ewald, contacted the City to request a letter stating the home could be rebuilt if destroyed by fire, etc., he was informed that according to the City's zoning ordinance, the City could not provide a letter of this type due to the nonconforming use of the property; the City has received a number of requests of this type to rezone properties that are nonconforming to the use; as noted by the applicants in their letter, all eight buildings on this block have been used as "improved single family housing" since being constructed in the 1930s; two of the properties, 125 S. Bruffey and 129 S. Bruffey, were rezoned to residential in 1998 and 2007 respectively; and

WHEREAS, John Ewald, Power of Attorney, representing his daughter, Sunday Callegari Ewald, appeared before the Commission in support of the rezoning request; he noted that his daughter has owned the property for approximately 8 years; she suffered a severe stroke about 3 ½ years ago, and they have kept her in the house for as long as they could; however, this year between her health and his health, they decided they needed to move her; she is now living in a condominium across the hall from he and his wife off Electric Road; they were directed to sell the house by Virginia Medicaid because they could not hold an asset this great in value due to her receiving Medicaid; they succeeded in getting a viable contract, and three days before closing, the lender, FHA and VHDA, notified them that based on the zoning they would need to provide a letter stating that if the property were to be destroyed, the house could be rebuilt; when the realtors inquired about getting a letter they found that a letter could not be issued

because to rebuild the structure would be in violation of the current

zoning, which is Light Manufacturing; he contacted the Planning and Development office and found out they would need to go through the rezoning process in order to sell the home; he has been in contact with each of the residents on the street as well; he noted that there are 8 homes on the street, and all were built around 1930; all of the houses have been in continuous use as single family residences, as far as he can tell, since they were built 80 years ago; further, two of the dwellings have already been rezoned; he noted that he and the other property owners are petitioning to have their properties rezoned; he noted the other property owners are represented here tonight and have agreed to join in on the request; they are requesting to rezone to RSF Residential Single Family District, which reflects their actual use; and

WHEREAS, Lewis Barker of 324 N. Broad Street appeared before the Commission in support of the rezoning petition; he noted that he and his father, George Barker, own Barker Realty Company on East Main Street; he has been managing 113 South Bruffey Street for approximately 8 or 9 years; the property owner, Kevin Quill, purchased the home for his daughter to live in while she was attending Roanoke College; after she graduated, he turned it over to Barker for managing; he further noted that Mr. Quill has indicated that he would like to put the property on the market to sell this year so this rezoning would be very helpful for him, and he fully supports the property being rezoned; and

WHEREAS, Howard Nash of 121 South Bruffey Street appeared before the Commission noting that he also was in favor of the rezoning; and

WHEREAS, no other person(s) appeared related to said request; and

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, SECONDED BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Sunday Callegari Ewald, property owner, for rezoning the property located at 101 S. Bruffey Street, (Tax Map # 141-3-1) from LM Light Manufacturing District to RSF Residential Single Family District be approved; also included in the request are the following properties: Larry J. Raborn, 105 S. Bruffey Street (Tax Map #141-3-2); Wanda M. Blevins, 109 S. Bruffey Street (Tax Map #141-3-3); Kevin and Milena Quill, 113 S. Bruffey Street (Tax Map #141-3-4); Teresa Ann Sweeney, 117 S.

Bruffey Street (Tax Map #141-3-5); and Howard C. Nash, Jr., 121 S. Bruffey Street (Tax Map #141-3-6) -- the roll call vote: all present - aye.

In re: Hold public hearing to consider amending Chapter 106, Article III Use and Design Standards, Section 106-304.17 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to townhouses

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider amending Chapter 106, Article III Use and Design Standards, Section 106-304.17 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to townhouses; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the August 30th and September 6th, 2012, issues of The Roanoke Times; and

WHEREAS, staff noted the following: this request is to amend Chapter 106, Article III, pertaining to use and design standards related to townhouse developments in the City; and

WHEREAS, Benjamin Tripp, Planner, appeared before the Commission explaining the proposed ordinance amendment; he noted the purpose of the ordinance revision is mainly to clarify the existing ordinance; he noted that hopefully the changes will be for the better; the major changes include a reduction in most of the townhouse yards; some of those were 15' and 25'; they are now 10'; he noted that some changes were made to the landscaping requirements mainly for clarity; and he further discussed additional changes that were included in the ordinance; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that Chapter 106, Article III Use and Design Standards, Section 106-304.17 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to townhouses be amended as follows:

Sec. 106-304.17. - Townhouse.

(A) *Intent:* The following minimum standards are established in recognition that common-wall single family dwellings on individual lots of record are a viable housing alternative to conventional detached single-family dwellings. These standards are intended to allow flexibility in unit arrangements, unit size and yard space, thereby allowing the creation of efficient and economical housing arrangements.

(B) **Townhouse Development Standards.** The following minimum standards refer to the overall design of the site, and not to individual townhouse lots.

1. Applicants for townhouse developments shall submit a site plan in accordance with Section 106-400 of this chapter. The site plan shall include a master plan that defines the entire townhouse development. ***The party submitting the site plan shall not commence development until the plan has been approved by the city. Approval of a final subdivision plat, pursuant to the provisions of the Salem Subdivision Ordinance is required prior to the sale of any townhouse lot.***
2. The minimum development size for any townhouse development shall be 15,000 square feet. The maximum density of any townhouse development shall be ten dwelling units per acre.
3. The minimum frontage for a townhouse development shall be 60 feet on a public street.
4. Along public rights-of-way, the setback for the townhouse groupings shall be as specified in Article II. Setback areas shall be free of all physical improvements, including parking areas, except for the following:
 - a. Pedestrian walkways and sidewalks.
 - b. Privacy fences in rear yards.
 - c. Accessory buildings in rear yards.
 - d. Retaining walls***
5. ~~A minimum 25-foot landscaped area shall be established around the perimeter of the townhouse development, separating the townhouse groupings from adjacent properties.~~
6. ~~When buffer yards are required between zoning districts of different intensities, these plantings may be installed in the 25-foot landscaped area around the perimeter of the townhouse development. Plantings shall be installed as specified in the 25-foot, or greater, buffer yard requirement found in Sec. 106-402.3. No individual townhouse lot lines shall extend into any required landscape buffer.~~
5. ***When buffer yards are required between zoning districts of different intensities, plantings shall be installed as specified in the 25-foot, or greater, buffer yard requirement found in Sec. 106-402.3. No individual townhouse lot lines shall extend into any required landscape buffer.***
6. ***When buffer yards are not required between zoning districts of different intensities, a minimum 25-foot setback shall be established between the***

townhouse groupings and adjacent properties. This area shall be professionally landscaped with a combination of trees and shrubs, and shall

be free of all physical improvements including parking areas, except for the following:

- a. Pedestrian walkways and sidewalks.***
- b. Privacy fences in rear yards.***
- c. Accessory buildings in rear yards.***
- d. Retaining walls***

- 7. No townhouse unit shall have a private driveway connecting to a public street.
- 8. All townhouse developments shall be served by public water and sewer.
- 9. ***A homeowners' association shall be created for each townhouse development. The homeowners' association shall be responsible for the perpetual maintenance of all commonly owned areas and facilities including, but not limited to, open space, required buffer yards, common areas, private streets and parking areas, and stormwater management facilities within the townhouse development.***

(C) Minimum Townhouse Lot Requirements.

- 1. Individual townhouse lots may front on either public or private streets, parking areas, or other commonly-owned areas within the development.
- 2. There shall be no minimum lot size for individual townhouse lots. Each townhouse lot shall be large enough to accommodate the footprint of the unit, any required yards, and any amenities intended for the exclusive use of that unit, such as private parking areas or patios. No required townhouse yard may contain any parking area not intended for the exclusive use of that unit. Individual townhouse lots may extend into the 25-foot landscaped area or setback at the perimeter of the development, ***however they may not extend into any required buffer yard.***
- 3. The minimum width for any townhouse unit shall be 16 feet.

(D) Minimum Townhouse Yard Requirements.

- 1. Townhouse Unit:

Front Yard:

- (a) The minimum front yard for any townhouse unit fronting on a public street shall be as specified in Article II, District Regulations.

- (b) The minimum front yard for any townhouse unit not fronting on a public street shall be 10 feet.

Rear Yard: The minimum rear yard shall be 10 feet.

Side Yard for End Units: The minimum side yard for end units shall be 10 feet.

(E) Maximum Height of Structures.

1. The maximum height of any townhouse unit shall be three stories or 45 feet.

(F) Maximum Building Size.

1. Accessory Structures: No accessory building shall exceed 100 square feet in size.

(G) Grouping of Townhouses.

1. Townhouses shall be attached in groups of 3 to 12.
2. The facades of townhouses shall be varied by staggered front yards and variations in design and materials. No more than four abutting townhouses shall have the same front yard depth and the same architectural treatment of facades and roof lines. The front yard stagger, when required, shall be a minimum of two feet.
3. All townhouses shall be arranged such that only the front or side of any unit shall face a public street. If site characteristics require that the backs of townhouses face a public street, then vegetative screening shall be required per the provisions of this chapter. Such vegetative screening shall be located within a common area, and not on any townhouse lot.
4. A minimum 40-foot separation shall be provided between groupings of townhouse units. This minimum separation may be reduced to 20 feet if both facing walls contain no windows, doors or balconies.

-- the roll call vote: all present - aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:11 p.m.

Executive Secretary

Chair